

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Authorizing the Filing of an *Amicus Curiae* Brief in *Miranda v. Nielsen, et al.*
and Related Cases)

RESOLUTION NO. 10-206

1 WHEREAS, the Tohono O'odham Legislative Council is vested with the power to "provide for the
2 maintenance of law and order and the administration of justice." (Constitution of the
3 Tohono O'odham Nation, Article VI, Section 1(c)(6)); and

4 WHEREAS, a case is currently pending in the Ninth Circuit Court of Appeals, *Miranda v. Nielsen*,
5 which challenges the legality of criminal sentences imposed in excess of one year on
6 multiple counts in tribal courts under the Indian Civil Rights Act; and

7 WHEREAS, the Tohono O'odham Nation Judicial Court sentences in excess of one year, when there
8 is a conviction on multiple counts and where it is warranted in the interests of justice.

9 NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it authorizes
10 and approves the filing of an *amicus curiae* brief in *Miranda v. Nielsen, et al.* and
11 related cases in the Ninth Circuit Court of Appeals and the United States Supreme
12 Court, if warranted, in support of the position that the imposition of a criminal
13 sentence in excess of one year based on multiple counts is legal under the Indian Civil
14 Rights Act.

15
16 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 09TH Day
17 of JUNE, 2010 at a meeting at which a quorum was present with a vote of 2,184.50 FOR; -0- AGAINST;
18 206.30 [03] NOT VOTING; and 204.70 [06] ABSENT, pursuant to the powers vested in the Council by
19 Article VI, Section 1 (c)(6) of the Constitution of the Tohono O'odham Nation, adopted by the
20 Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant
21 Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June
22 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Verlon M. Jose, Legislative Chairman

23 day of June, 2010

ATTEST:



Evonne Wilson, Legislative Secretary

23 day of June, 2010.

RESOLUTION NO. 10-206

(Authorizing the Filing of an *Amicus Curiae* Brief in *Miranda v. Nielsen, et al.* and Related Cases)

Page 2 of 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 23 day of June, 2010 at 4:58 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Verlon M. Jose, Legislative Chairman

APPROVED
 DISAPPROVED

on the 24 day of June, 2010
at 4:45 o'clock, P.M.


NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 25 day of June, 2010, at 8:07 o'clock, a.M.


Evonne Wilson, Legislative Secretary

ACTION: AUTHORIZING THE FILING OF AN *AMICUS CURIAE* BRIEF IN *MIRANDA V. NIELSEN, ET AL.* AND RELATED CASES

MOVED: COUNCILWOMAN KIMBERLY LISTO

SECOND: COUNCILWOMAN EVELYN JUAN MANUEL

DATE: JUNE 09, 2010

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 198.7	1. WAVALENE ROMERO (Nicholas Jose)	99.35	X			X
	2. MARY LOPEZ ()	99.35	X			
SELLS 449.6	1. KIMBERLY LISTO ()	224.80	X			
	2. EVELYN B. JUAN MANUEL ()	224.80	X			
SCHUK TOAK 159.0	1. FRANCES B. CONDE (Fredrick Jose)	79.50	X			
	2. LINDA PARLEY (Agnes Joaquin)	79.50	X			
SAN XAVIER 204.7	1. FELICIA NUÑEZ ()	102.35				X
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	102.35				X
SAN LUCY 187.1	1. LORRAINE EILER ()	93.55	X			
	2. GLORIA RAMIREZ ()	93.55	X			X
PISINEMO 184.5	1. CHESTER ANTONE (Tony Murrietta)	92.25	X			
	2. EDWARD MANUEL (Gerald Fayuant)	92.25	X		X	
HICKIWAN 174.5	1. MICHELLE ORTEGA ()	87.25	X			
	2. SANDRA ORTEGA ()	87.25	X			
GU VO 206.3	1. GRACE MANUEL ()	103.15			X	
	2. PAMELA ANGHILL (<i>Absent</i>) (Angela Ortiz) (<i>Present</i>)	103.15			X	
GU ACHI 230.1	1. TIMOTHY L. JOAQUIN ()	115.05	X			
	2. CYNTHIA E. MANUEL ()	115.05	X			X
CHUKUT KUK 277.0	1. ETHEL GARCIA (Sara Mae Williams)	138.50	X			
	2. VERLON M. JOSE ()	138.50	X			
BABOQUIVARI 324.0	1. FRANCES MIGUEL (Roberta Harvey)	162.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	162.0	X			X
TOTAL		2,595.50	2,184.50	-0-	206.30 [03]	204.70 [06]